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09/671,517	09/26/2000	Zhang Ying	017.38874X00	6046

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EXAMINER
BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
2141	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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	Application No.	Applicant(s)
	09/671,517	YING ET AL.
Office Action Summary	Examiner	Art Unit
	Djenane M Bayard	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 September 2000_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _26 September 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .	6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 3, 5-6, 8-9, 14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 6,029,203 to Bhatia et al in view of U.S. Patent No.

6,476,521 to Lof et al, and further in view of U.S. Patent No. 6,243,754 to Guerin et al.

a.   As per claim 1 and 8, Bhatia et al teaches an apparatus for selecting one of a

plurality of service providers which are available to a computer system for connection to

a network, the apparatus comprising (See col. 5, lines 60-62): at least one database

containing data regarding various parameters of the plurality of service providers and

service quality requirements for various service types (See col. 5, lines 65 and col. 6,

lines 1-3); However, Bathia et al fails to teach a decision making unit connected to said

at least one database for selecting one of said plurality of service providers, said

selecting being made according to decision making criteria and data from said at least

one database.

Lof et al teaches a decision making unit connected to said at least one database

for selecting one of said plurality of service providers, said selecting being made

according to decision making criteria and data from said at least one database (See col. 21, lines 38-42).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a decision making unit connected to said at least one database for selecting one of said plurality of service providers, said selecting being made according to decision making criteria and data from said at least one database as taught by Lof et al in the claimed invention of Bhatia et al in order to retrieve and process only relevant data from the communication system (See col. 19, lines 59-60).

Guerin et al teaches a dynamic selection of network providers. Furthermore, Guerin et al teaches one database for selecting one of said plurality of service providers, said selecting being made according to decision making criteria (See col. 3, lines 20-23).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a decision making unit for making said selection based on decision making criteria as taught by Guerin et al in the claimed invention of Bhatia et al in view of Lof in order to determine the appropriate service provider to use for communication data to a remote called site (See col. 3, lines 12-14).

b.   As per claim 3, Bhatia et al in view of Lof teaches the claimed invention as described above. Furthermore, Bhatia et al teaches a modem which is considered as the claimed (an implementation agent) for connecting said computer system to said selected provider (See col. 5, lines 60-66).

c.   As per claim 5, Bhatia et al in view of Lof et al teaches the claimed invention as described above. However, Bhatia et al fails to teach wherein said decision making unit includes a criteria unit for providing different criteria related to different selection parameters and a decision making agent unit for making the decision based on criteria from said criteria unit.

Guerin et al teaches a dynamic selection of network providers. Furthermore, Guerin et al teaches wherein said decision making unit includes a criteria unit for providing different criteria related to different selection parameters and a decision making agent unit for making the decision based on criteria from said criteria unit (See col. 3, lines 20-23).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate said decision making unit includes a criteria unit for providing different criteria related to different selection parameters and a decision making agent unit for making the decision based on criteria from said criteria unit as taught by Guerin et al in the claimed invention of Bhatia et al in view of Lof et al in order to determine the appropriate service provider to use for communication data to a remote called site (See col. 3, lines 12-14).

d.   As per claims 6 and 9, Bhatia et al in view of Lof et al teaches the claimed invention as described above. However, Bhatia et al in view of Lof et al fails to teach

wherein said decision making unit further includes a logic unit for providing logic based on different decision criteria to said decision making agent unit.

Guerin et al teaches a dynamic selection of network providers. Furthermore, Guerin et al teaches wherein said decision making unit further includes a logic unit for providing logic based on different decision criteria to said decision making agent unit (See col. 3, lines 15-24)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said decision making unit further includes a logic unit for providing logic based on different decision criteria to said decision making agent unit as taught by Guerin et al in the claimed invention of Bhatia et al in view of Lof et al in order to select the appropriate service provider from the different possible choices (See col. 3, lines 20-21)

e.   As per claim 14, Bhatia et al teaches a computer network system comprising: a computer network; a series of pathways to said network controlled by service providers; a computer system selectively connected to said pathways; a selection device for selecting which service provider should be utilized when connecting the computer system to the network (See col. 5, lines 60-65), said selection device including at least one database storing data regarding various parameters about said service providers and service quality requirements (See col. 5, lines 65-67). However, Bhatia et al fails to teach a decision making unit for making said selection based on said data stored in said at least one database and on decision making criteria.

Lof et al teaches a decision making unit for making said selection based on said data stored in said at least one database (See col. 21, lines 38-42).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a decision making unit for making said selection based on said data stored in said at least one database as taught by Lof et al in the claimed invention of Bhatia et al in order to retrieve and process only relevant data from the communication system (See col. 19, lines 59-60).

In addition, Bhatia et al in view of Lof et al fails to teach a decision making unit for making said selection based on decision making criteria.

Guerin et al teaches a dynamic selection of network providers. Furthermore, Guerin et al teaches wherein a decision making unit for making said selection based on decision making criteria (See col. 3, lines 20-23).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a decision making unit for making said selection based on decision making criteria as taught by Guerin et al in the claimed invention of Bhatia et al in view of Lof in order to determine the appropriate service provider to use for communication data to a remote called site (See col. 3, lines 12-14).

3.   Claims 2, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,029,203 to Bhatia et al in view of U.S. Patent No. 6,476,521 to Lof et al. as applied to claim 1 above, further in view of U.S. Patent No. 6,243,754 to Guerin et al and further in view of U.S. Patent No. 6,269,395 to Blatherwick et al.

a.   As per claim 2, Bhatia et al in view of Lof et al and further in view of Guerin et al

teaches the claimed invention as described above. However, Bhatia et al in view of Lof

further in view of Guerin et al fails to teach an interface unit for displaying to a user the

selected data provider.

Blatherwick et al teaches a method and system in a computer-based system for

providing access to services associated with different access points. Furthermore,

Blatherwick et al teaches an interface unit for displaying to a user the selected data

provider (See Figure 5 and col. 10, lines 12-14)

It would have been obvious to one with ordinary skill in the art at the time the

invention was made to incorporate an interface unit for displaying to a user the selected

data provider as taught by Blatherwick et al in the claimed invention of Bhatia et al in

view of Lof et al further in view of Guerin et al in order for the user confirm successful

connection to the service provider (See col. 1, lines 52-56).

b.   As per claim 10, Bhatia et al in view of Lof et al and further in view of Guerin et al

teaches the claimed invention as described above. However, Bhatia et al in view of Lof

and further in view of Guerin et al fails to teach displaying said selected provider to a

user for approval.

Blatherwick et al teaches a method and system in a computer-based system for

providing access to services associated with different access points. Furthermore,

Blatherwick et al teaches displaying said selected provider to a user for approval (See figure 8.3 and col. 13, lines 9-30)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate displaying said selected provider to a user for approval as taught by Blatherwick et al in the claimed invention of Bhatia et al in view of Lof et al and further in view of Guerin et al in order to allow the user to select applications or services through different access points (See col. 4, lines 59-61)

c.   As per claim 11, Bhatia et al in view of Lof et al and further view of Guerin et al teaches the claimed invention as described above. However, Bhatia et al in view of Lof and further in view of Guerin et al fails to teach automatically connecting said computer system to said selected provider.

Blatherwick et al teaches a method and system in a computer-based system for providing access to services associated with different access points. Furthermore, Blatherwick et al teaches automatically connecting said computer system to said selected provider (See col. 3, lines 15-18)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate automatically connecting said computer system to said selected provider as taught by Blatherwick et al in the claimed invention of Bhatia et al in view of Lof et al and further in view of Guerin et al in order to allow the user to access services provided through the service provider (See col. 3, lines 11-12).

4.   Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,029,203 to Bhatia et al in view of U.S. Patent No. 6,476,521 to Lof et

al. as applied to claim 1 above, further in view of U.S. Patent No. 6,243,754 to Guerin et

al and further in view of U.S. Patent No. 6,301,568 to Globuschutz.

a.   As per claims 4 and 12, Bhatia et al in view of Lof et al and further in view of

Guerin et al teaches the claimed invention as described above.   However, Bhatia et al

in view of Lof et al and further in view of Guerin et al fails to teach providing a tracking

unit for updating data in said at least one database based on current conditions in said

service providers.

Globuschutz teaches an integrated subscriber management system architecture

supporting multiple services. Furthermore, Globuschutz teaches providing a tracking

unit for updating data in said at least one database based on current conditions in said

service providers (See col. 4, lines 18-21)

It would have been obvious to one with ordinary skill in the art at the time the

invention was made to incorporate a tracking unit for updating data in said at least one

database based on current conditions in said service providers as taught by

Globuschutz in the claimed invention of Bhatia et al in view of Lof et al and further in

view of Guerin et al in order to facilitate service delivery and control of service provided

(See col. 3, lines 6-10).

5.   Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,029,203 to Bhatia et al in view of U.S. Patent No. 6,476,521 to Lof et

al. as applied to claim 1 above, as applied to claims 1 and 8 above, further in view of

U.S. Patent No. 6,243,754 to Guerin et al and further in view of U.S. Patent No

6,282,519 to Peters et al.

a.   As per claims 7 and 13, Bhatia et al in view of Lof et al and further in view of

Guerin et al teaches the claimed invention as described above. However, Bhatia et al

in view of Lof et al and further in view of Guerin et al fails to teach wherein said at least

one database includes a first database for storing preconfigured service quality

requirements of each normal service type and a second database for storing

parameters regarding each provider, including billing data, selection priority data,

resource condition data and resource basic information data.

Peters et al teaches said at least one database includes a first database for

storing preconfigured service quality requirements of each normal service type and a

second database for storing parameters regarding each provider, including billing data,

selection priority data, resource condition data and resource basic information data (See

col. 7, lines 51-62).

It would have been obvious to one with ordinary skill in the art at the time the

invention was made to incorporate said at least one database includes a first database

for storing preconfigured service quality requirements of each normal service type and a

second database for storing parameters regarding each provider, including billing data,

selection priority data, resource condition data and resource basic information data as

taught by Peters et al in the claimed invention of Bhatia et al in view of Lof et al and

further in view of Guerin et al in order to store all the information necessary for invoice

processing and customer information. (See col. 7, lines 63-64).

6.   Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,243,754 to Guerin et al in view of U.S. Patent No 5,958,006 to

Eggleston et al.

a.   As per claim 15, Bhatia et al teaches a networked communication system

comprising: a network arrangement; a plurality of terminals communicating with said

network (See col. 1, lines 67 and col. 2 lines 1-30); service providers maintaining

access to said network from said terminals (See col. 3, lines 12-14)). However, Guerin

et al fails to teach a server containing data regarding charging information of said

service providers; said server being accessible by said terminals so as to obtain said

charging information, said terminals selecting a service provider based on said charging

information.

        Eggleston et al teaches a method and apparatus for communicating summarized

data. Furthermore, Eggleston et al teaches a server containing data regarding charging

information of said service providers; said server being accessible by said terminals so

as to obtain said charging information, said terminals selecting a service provider based

on said charging information (See col. 15, lines 26-36)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a server containing data regarding charging information of said service providers; said server being accessible by said terminals so as to obtain said charging information, said terminals selecting a service provider based on said charging information as taught by Eggleston et al in the claimed invention of Guerin et al in order to achieve more accurate charging control (See col. 15, lines 25).

b.   As per claim 16, Guerin et al in view of Eggleston teaches the claimed invention as described above. Furthermore, Guerin et al teaches wherein said service providers are application service provider services (See abstract, lines 1-5)

c.   As per claim 17, Guerin et al in view of Eggleston teaches the claimed invention as described above. Furthermore, Guerin et al teaches wherein said network is the Internet and said service providers are Internet service provider services (See abstract, lines 1-5).

7.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,029,203 to Bhatia in view of U.S. Patent No 5,088,052 to Spielman et al.

a.   As per claim 18, Bhatia et al teaches a system for selecting one of a plurality of service providers for connecting a computer system to a network, comprising: means for storing data in at least one database regarding parameters of each service provider and

service quality requirement (See col. 5, lines 65-67 and col. 6, lines 1-3); means for

selecting specific criteria for making a decision; and means for selecting one of said

plurality of providers based on data from said at least one database and based on said

criteria (See col. 6, lines 4-6). However, Bhatia et al fails to teach means for retrieving

data from said at least one database.

Spielman et al teaches a system for graphically representing and manipulating

data stored in databases. Furthermore, Spielman et al teaches means for retrieving

data from said at least one database (See abstract, lines 10-15).

It would have been obvious to one with ordinary skill in the art at the time the

invention was made to incorporate means for retrieving data from said at least one

database as taught by Spielman et al in the claimed invention of Bhatia et al in order to

process the retrieved data as called for by the selected function selection criteria. (See

abstract, lines 13-15).

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Djenane M Bayard whose telephone number is (703)

305-6606. The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Djenane Bayard

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER